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ABSTRACT

This teacher's guide was designed to accompany six 30-minute video programs on the fundamental constitutional principles that form this nation's foundation. Each lesson in the guide contains an introduction to the main ideas of the program, a program summary, and suggested activities to carry out before and after the program. The topics emphasized in the series are: (1) limited government and the rule of law; (2) federalism; (3) separation of powers with checks and balances; (4) freedom of expression; (5) equal protection of the laws; and (6) the U.S. Constitution and the economy. Under the principles of limited government and rule of law, government officials cannot behave arbitrarily when enforcing law nor are they above the law. The national and state governments exercise powers separately and within constitutional limits under the principle of federalism. The system of checks and balances ensures a government with powers sufficient to act effectively and limitations sufficient to prevent tyranny. The U.S. constitutional guarantee of freedom of expression is an essential condition of democracy. The "equal protection" clause protects individuals from arbitrary discrimination and has led to hotly contested constitutional issues such as affirmative action. The Constitution provided a framework that was conducive to economic development and national prosperity because private property rights were protected and contracts were enforced. A copy of the Constitution is appended. (SM)

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A TEACHER'S GUIDE TO THE U.S. CONSTITUTION

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A TEACHER'S GUIDE TO

THE U.S. CONSTITUTION

Six 30-minute video programs
for junior high and high school students

Chief Content Consultant and Guide Writer:
John J. Patrick

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Table of Contents

Introduction to The U.S. Constitution 3
About the Host: Bill Moyers 5
1. Limited Government and the Rule of Law 7
2. Federalism 11
3. Separation of Powers with Checks and Balances 15
4. Freedom of Expression 19
5. Equal Protection of the Laws 23
6. The Constitution and the Economy 27
Appendix: Text of the U.S. Constitution 31

Introduction

Programs on the U.S. Constitution: What and Why?

The U.S. Constitution is a series of six 30-minute programs for integral and sustained use with secondary school courses in American history, civics, and government. These programs have special relevance to activities associated with the bicentennial of the Constitution, celebrated from 1987 to 1991. These special bicentennial activities recall the writing of the Constitution (1787), ratification debates (1787-1788), establishment of the federal government (1789), and ratification of the Bill of Rights (1791).

The video programs are designed to enhance instruction on the U.S. Constitution in high schools and junior high/middle schools. Using a combination of dramatic and documentary formats, each program explores a basic concept in the Constitution. Historical perspectives, perennial issues, and applications of the Constitution to contemporary society are emphasized. The series poses questions to stimulate lively discussion, serious deliberation, and sustained inquiry about concepts, values, and issues of constitutional government in the United States.

The current bicentennial period, from 1987-1991, is a grand occasion to revitalize education about core values of constitutional government in the United States. It offers a special opportunity to celebrate one of the most important legacies Americans have. A central aspect of the celebration should be cerebration—reflection, deliberation, discourse, and inquiry about basic ideas in this venerable frame of government. An outcome should be sustained interest in high-quality education on the Constitution lasting beyond the bicentennial period. The six programs in this series encourage cerebration and sustained interest by showing how the Constitution applies to the daily concerns of citizens.

Content and Goals

The video programs of **The U.S. Constitution** discuss issues and trends associated with such constitutional principles as limited government, the rule of law, federalism, separation of powers, checks and balances, freedom of expression, equal protection of the laws, commercial regulation, and free government.

Major goals of the programs are to

* Illustrate basic constitutional principles of government and their relevance to citizens.
* Show that the U.S. Constitution is an enduring and fundamental document, yet one that can change. It has changed as a result of the need to resolve conflict, and because of changing political, economic, and social situations.
* Demonstrate that the structural aspects of the Constitution have important interrelations. When viewed as a whole, the Constitution balances the giving and withholding of powers to the national government.
* Present recurring constitutional themes and issues that will stimulate young people to reflect upon and appraise the Constitution's application to their lives.
* Cultivate understanding and appreciation of civic values in the Constitution.

Program Format

The U.S. Constitution's dramatic segments show target-age students in typical community settings. Their experiences raise questions and issues about governmental principles in the Constitution.

The documentary segments show how basic concepts in the Constitution have developed throughout United States history. Historical sites associated with the concepts are featured, such as Independence Hall, the National Archives, the Supreme Court Building, the Capitol, and the Lincoln Memorial. Dramatic and documentary segments are interconnected to exemplify the main theme of each program. Programs conclude with a final scene that raises questions for viewers to discuss, debate, and think about immediately after viewing and in subsequent lessons.

Using These Programs in the Classroom

The U.S. Constitution programs are directly related to standard secondary textbooks in American history, civics, and government. Thus, these programs can extend and enrich core courses in the curriculum.

The series is also designed to permit maximum flexibility of use in the classroom. For example, the program on federalism fits with standard treatments of this concept in textbook chapters on the Constitutional Convention. The program can also be used with government and civics textbook chapters on intergovernmental relations in the federal system, and with American history textbooks covering the Jacksonian era, the Civil War and Reconstruction periods, and the New Deal period, when issues on federalism were prominent.

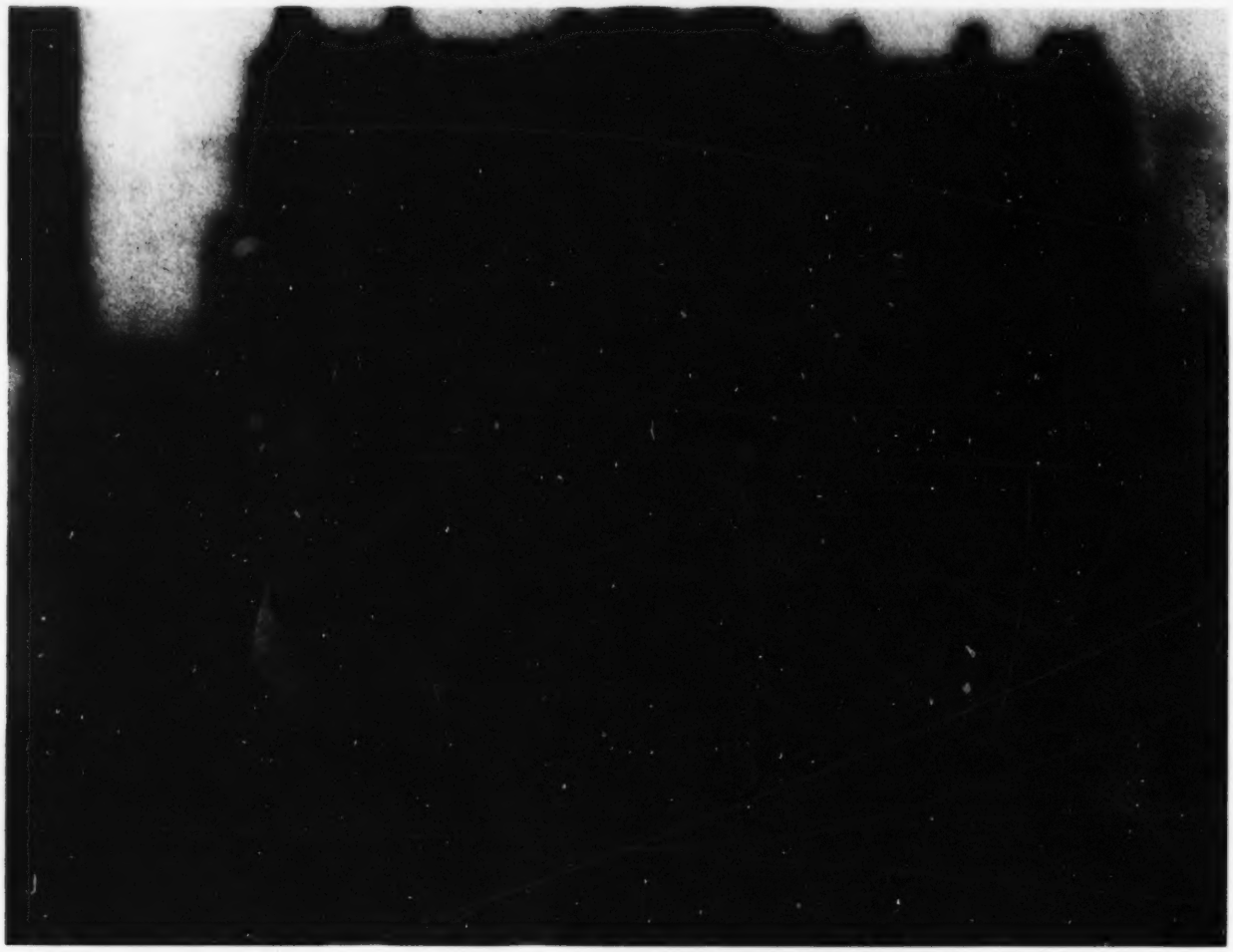
When **The U.S. Constitution** is used to complement parts of core courses in the secondary school curriculum, it is recommended that teachers show each program more than once, even with the same students. The programs are sufficiently rich in academic content, dramatic examples, and challenging questions to justify more than one viewing.

The Teacher's Guide

This guide provides information and suggestions to help teachers of American history, civics, and government use these programs effectively. The guide to each program includes a teacher's introduction to the main ideas of the lesson, references to parts of the Constitution treated in the lesson, and connections to the secondary school curriculum.

The "Program Summary" briefly describes the dramatic episode and documentary presentation. "Before the Program" contains suggestions to orient students to the program's topic. "After the Program" provides discussion questions and activities about main issues. Finally, "Suggested Reading" for students highlights additional books and lessons exploring the main ideas of the program.

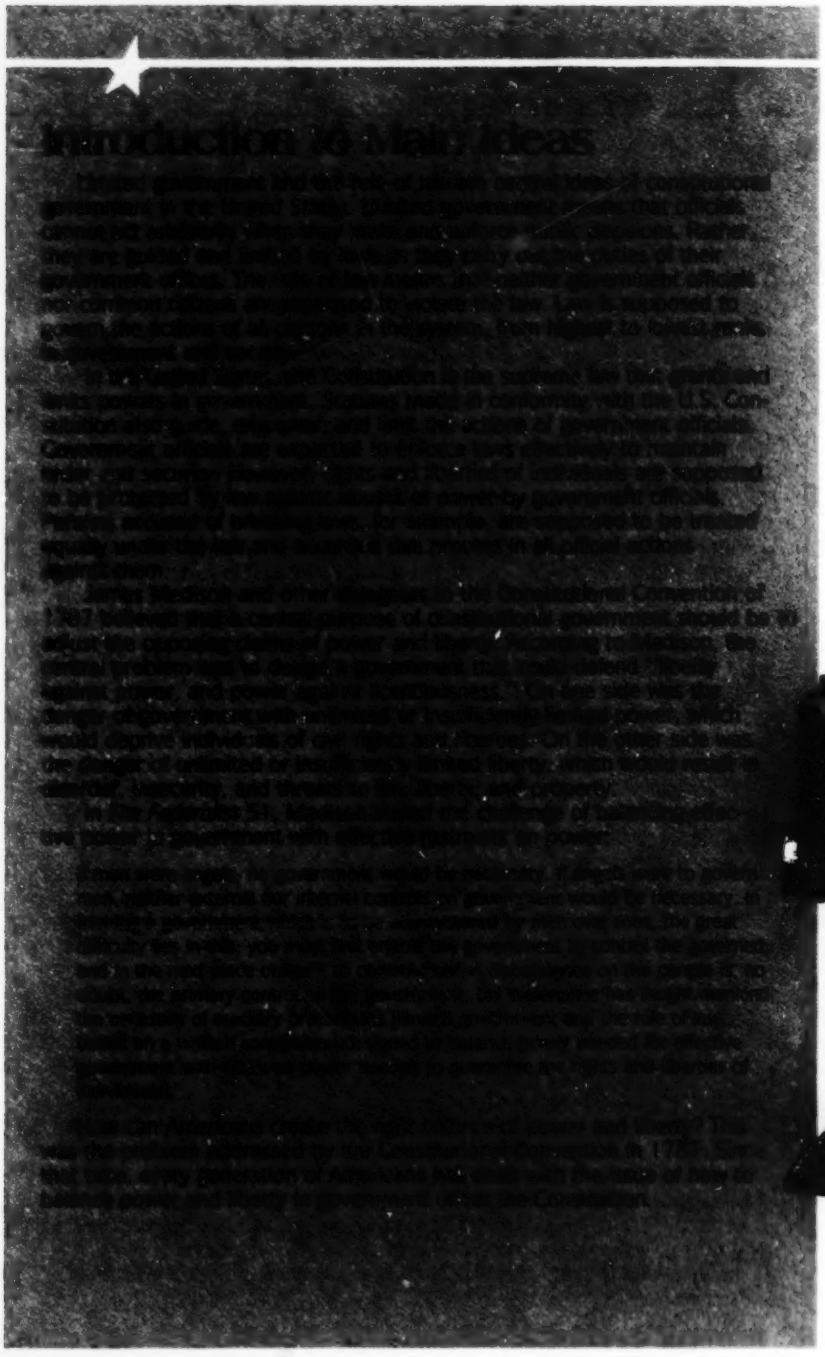
About the Host: Bill Moyers

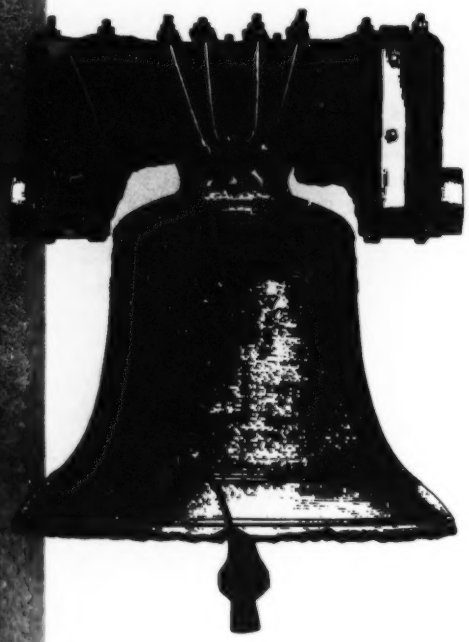


Bill Moyers is host and teacher of **The U.S. Constitution**. A respected broadcast journalist, Moyers has won ten Emmy awards as well as a number of other awards in his field, particularly for his public television series. "Civic education shouldn't be a fad," says Moyers. "Every American needs it. The Constitution has tremendous influence on teenagers' lives. I want them to see its relevance in their daily world. **The U.S. Constitution** will use television to show young people how important the Constitution is to them."

PROGRAM 1

Limited Government and the Rule of Law





References to the Constitution

Parts of the U.S. Constitution emphasized in this program are

- Article I, Section 1 (grant of legislative power to Congress)
- Article II, Section 1, Clause 1 (grant of executive power to the presidency)
- Article III, Section 1 (grant of judicial power to the Supreme Court and other federal courts that might be created by Congress)
- Article VI, Clauses 2 and 3 (supremacy of the Constitution over federal and state governments)
- Article I, Sections 9 and 10 (limits on powers of federal and state governments)
- Amendments I-X—the Bill of Rights—and Amendment XIV (limits on powers of state governments to protect the rights and liberties of individuals)

Teachers and students should review these parts of the Constitution before and after they view this program.

Curriculum

This program can be used to complement treatments of limited government and the rule of law in standard secondary school textbooks on American history, government, and civics. The best fit with the content of these textbooks is to chapters on the Founding Period, particularly sections dealing with the origins, activities, and achievements of the Constitutional Convention. In addition, the program can be used with civics and government textbook treatments of civil rights and liberties, particularly the rights of a person accused of a crime.

Program Summary

Constitutional government in the United States is designed to balance liberty and power in the name of the people. It grants power sufficient to govern effectively and limits that power to guard the people against tyranny—a difficult accomplishment that has enabled the U.S. Constitution to endure as the oldest written frame of government in the world.

In 1787, delegates to the Constitutional Convention in Philadelphia believed that government under the Articles of Confederation was too limited; it could neither establish the rule of law nor protect rights of individuals to security, liberty, and property. However, delegates were reluctant to create a government that would be too strong, which could endanger the liberties of individuals.

How to balance power and liberty in a constitutional government was a central issue at the Convention and during the ratification debates of 1787-1788. Antifederalists influenced the addition of a Bill of Rights (Amendments I-X) to the Constitution to limit the power of the federal government and protect the rights and liberties of the people.

★ Issues about limited government and the rule of law—the balance of power and liberty in government—have consequences for all individuals in the United States. A dramatic episode about Sharon Davis, an individualistic teenager, and Will Donovan, a police detective, shows how the ongoing tension between power and restraint in constitutional government may become significant in the lives of ordinary citizens.

Sharon's flamboyant behavior often annoys Dectective Donovan and other people in her neighborhood. She disturbs them every morning with her noisy motorcycle. They are reminded of her unconventional attitudes every time they look at the garish mural she has painted on the door of her family's garage.

Annoyance escalates to serious conflict when the property of a neighbor, Alice Hunter, is vandalized, and Dectective Donovan decides that Sharon is the culprit. However, the evidence of Sharon's guilt is circumstantial, and she appeals to her rights under constitutional government. This raises the issue of the rights of an individual accused of crime and the limits on government under a Constitution that guarantees the rule of law.

★ The documentary portion of the program explains that the Constitution is the foundation of government and law in the United States. All federal laws, state constitutions, and state and local laws must conform to the supreme law of the Constitution. The Watergate case of 1973-1974 is presented as an example of limited government and the rule of law under the Constitution. Even the most powerful government officials, including the President of the United States, are limited by the Constitution and subject to the rule of law.

★ The program concludes with a return to the conflict between Sharon Davis and Dectective Donovan. A question is raised about the legitimate use of power by government officials to provide security and order in the community and the legitimate limits on that power to protect the rights of individuals.

Before the Program

Obtain a copy of the U.S. Constitution (the text of which is reproduced in the Appendix to this guide) and show it to students. Emphasize that this is the oldest and most successful written constitution in the history of the world. Ask students to speculate about why it has lasted so long and been so successful.

Then write two phrases on the chalkboard—**limited government** and **rule of law**. Ask what these ideas have to do with the Constitution's endurance and its success as a frame of government. Conclude this brief discussion by providing definitions of limited government and the rule of law (see the "Introduction to Main Ideas" for this lesson). Finally, ask students to speculate about how limited government and the rule of law under a constitutional government can affect them or people like them.

After the Program

The program concludes as Sharon Davis asserts that Detective Donovan's authority ends where her constitutional rights begin. Sharon's neighbor, Alice Hunter, counters with a question: "Where does that leave the rights and freedoms of your neighbors?" Donovan raises the final issue: "And what about the government's responsibility to protect the community?"

Have students respond to the questions raised in this final scene by discussing the legitimate uses of power in goverment, limits on government, the rule of law, and the constitutional rights of individuals accused of a crime.

Move from this broad opening discussion to the following questions and activities. Challenge students to support their answers with ideas and information from this program, the Constitution, their textbooks, and other relevant authoritative sources.

1. **Discussion Questions**
   a. What is limited government?
   b. What is the rule of law?
   c. How are limited government and the rule of law included in the U.S. Constitution? Provide three examples of limited government and the rule of law in the Constitution.
   d. What do limited government and the rule of law have to do with the story about Sharon Davis, Alice Hunter, and Detective Donovan?
   e. What do limited government and the rule of law have to do with the Watergate case of 1973-1974?
   f. Why are the ideas of limited government and the rule of law important to Americans? What might our government be like without these ideas?

2. **Limited Government and the Rule of Law in the Constitution**
   Have students refer to relevant parts of the Constitution to support answers to the following questions.
   a. How does the U.S. Constitution limit the power of state governments? Provide three examples. (See Article I, Section 10; Article VI; and Amendment XIV.)
   b. How does the Constitution protect the rights of individuals accused of a crime? Provide three examples. (See Article I, Section 9, and Amendments IV, V, and VI.)
   c. How does Amendment XIV apply to the issue in this program?

3. **Making Decisions**
   Divide students into groups of five to seven members, depending on the size of the class. Ask each group to make a decision about the central issue in this program. Use the following questions to guide deliberation and decision making.
   a. What is the main constitutional issue in this program?
   b. What are the alternative choices in response to this constitutional issue?
   c. Which choice is correct in terms of the U.S. Constitution? Explain. Which parts of the Constitution support your decision? (See Article I, Section 9; Article VI; Amendments IV, V, VI, and XIV.)

   Appoint one student per group to report the majority opinion of the group to the class. Have other students respond to the ideas presented in the reports. Provide opportunities for students with dissenting opinions to express their views.

4. **Additional Inquiry about Limited Government and the Rule of Law**
   Ask students to complete the following activities.
   a. Consult an American history textbook and find one example, in addition to the Watergate case of 1973-1974, of limited government and the rule of law in the operations of the federal government. Write a brief report about this example. Include an explanation of how this case in American history pertains to the ideas of limited government and the rule of law.
   b. Identify at least one example of limited government and the rule of law in a radio or television news broadcast. Write a brief report that explains why it is an example of limited government and the rule of law.

Suggested Reading

Hamilton, Alexander, James Madison, and John Jay. *The Federalist Papers*. Edited by Garry Wills. New York: Bantam Books, 1982. (Refer to Numbers 23, 51, 53, 70, and 78.)

Patrick, John J., and Richard C. Remy. *Lessons on the Constitution: Supplements to High School Courses in American History, Government, and Civics*. Washington, D.C.: Project '87 of the American Historical Association and the American Political Science Association, 1985. (Refer to Lessons II-1, II-2, and II-3.)

Patrick, John J., and Clair W. Keller. *Lessons on the Federalist Papers: Supplements to High School Courses in American History, Government, and Civics*. Bloomington, Ind.: Social Studies Development Center and Organization of American Historians, 1987. (Refer to Lesson 3 on the concepts of limited government and the rule of law.)

Peltason, Jack W. Corwin and Peltason's *Understanding the Constitution*. 9th ed. New York: Holt, Rinehart, and Winston, 1982.

Woll, Peter. *Constitutional Democracy*. 2nd ed., 3-26. Boston: Little, Brown, and Company, 1986.

PROGRAM 2

Federalism

Introduction to Main Ideas

Federalism, a central principle of the U.S. Constitution, is the division and sharing of power between a national government and state governments within the nation. Each level of government in the United States—national and state—exercises powers separately and directly on its citizens within limits established by the Constitution, the supreme law of the land. Thus, the Constitution and acts of the national government that conform to it are superior to constitutions, laws, and official actions of state and local governments.

In *The Federalist* 45, James Madison gave his vision of how federalism would work:

> The powers delegated by the Constitution to the federal government are few and defined. Those which are to remain in state governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce. . . . The powers reserved to the several states will extend to all objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the states.

However, the balance of power within the federal system—between the national (federal) government and state governments—has changed steadily since Madison's time. Through constitutional amendments, Supreme Court decisions, federal statutes, and executive actions, the powers of the national government have generally expanded over those of the states.

The division and sharing of power between the national and state governments was not defined precisely at the Constitutional Convention of 1787. Since that time, the extent of states' rights within the federal system has been controversial. President Woodrow Wilson highlighted this perennial constitutional issue:

> The question of the relation of the States to the federal government is the cardinal question of our constitutional system. . . . It cannot, indeed, be settled by one generation because it is a question of growth, and every successive stage of our political and economic development gives it a new aspect, makes it a new question.

The exact terms of the debate have changed, and the scope of state power has receded across 200 years of constitutional history, but the basic issue of states' rights within the federal system continues to challenge each generation of Americans. The meaning, questions, and challenges of federalism in American constitutional government are the main points of this program.

References to the Constitution

Parts of the U.S. Constitution emphasized in this program are

- Article I, Section 8 (powers granted to Congress)
- The supremacy clause of Article VI
- Amendment X (the states' rights amendment)
- Amendments XIII, XIV, and XV (the Civil War amendments that limit powers of state governments)

Teachers and students should review these parts of the Constitution before and after they view this program.

Connection to the Curriculum

This program can be used to complement treatments of federalism in standard secondary school textbooks on American history, government, and civics. Federalism is emphasized in civics and government textbook chapters on relationships of state governments to the federal government. The concept of federalism is also discussed in chapters on the Constitutional Convention. Finally, issues of states' rights within the federal system are covered in sections of American history textbooks dealing with the Jacksonian period, Civil War and Reconstruction, the New Deal, and the civil rights movement.

Program Summary

In 1787, delegates to the Constitutional Convention in Philadelphia debated the question of federalism: How should power be divided and shared by a central government and the states? The Convention produced a Constitution giving strong powers to a national government, but limiting those powers so state governments could keep much of their authority.

An outcome of the ratification debates of 1787-1788 was addition of a Bill of Rights, including the Tenth Amendment, which said that every power not given to the national government was under control of the states. But the division of power between the states and the national government was not stated precisely, leaving room for disputes about states' rights that have persisted in one form or another since the 1780s.

★ Issues about federalism have consequences for all of us, from governmental officials to teenagers and their parents. A dramatic episode about David Lessing, star performer on a high school swim team, shows how federalism may affect the daily lives of citizens.

David suffers a crippling injury that leaves him bound to a wheelchair. As his high school has no facilities to accommodate students in wheelchairs, school officials provide David with a home tutor. The officials suggest that David might prefer to attend another school—a 50-mile bus ride away from his home—that is equipped to accommodate handicapped students. However, David and his parents want the local high school to provide special facilities for him, and they point to a federal statute (Public Law 94-142) that seems to support their demands.

However, they learn that in our system of federalism, education is an area left primarily to state governments under the U.S. Constitution. State governments and local agencies acting for the state, such as school boards, have considerable latitude in deciding how to implement federal education statutes. In this case, the local school board, faced with serious budgetary problems, would have to drop popular school programs (maybe even the swim team) to pay for the facilities requested by David and his parents.

★ The documentary portion of the program then explains the development of federalism across 200 years of American constitutional history. The documentary segment shows how the Civil War, the post-war industrial revolution, Great Depression, New Deal, and the civil rights movement of the 1950s and 1960s were landmarks in the growth of federal power in relation to the states. In response to such national challenges and problems, the powers of the federal government have grown enormously, while states' rights have declined. However, many important areas, close to the daily concerns of citizens, remain primarily under the control of state and local governments.The program concludes with a return to the dramatic episode about David Lessing. The local issue is related to federalism and the broader question of states' rights versus the national government's authority.

Before the Program

Write the word **federalism** on the board and tell students that this lesson is about federalism in the U.S. Constitution and the lives of citizens. Then turn to the Tenth Amendment of the Constitution and read it aloud as students follow along. Ask students: What does the Tenth Amendment have to do with federalism? Next, turn to Article VI, Clauses 2 and 3, and ask what these words tell us about the meaning of federalism. Finally, encourage students to speculate in what ways, if any, federalism can affect them or people like them.

After the Program

The program ends with David Lessing asking, "How come they [state government and local school board] have anything to say about it [how to carry out a federal law on education for handicapped students]?" Have students respond to David's question in terms of ideas and information presented in the documentary part of the program.

Move from this broad opening discussion to the following questions and activities. Challenge students to support their answers with ideas and information from the program, the Constitution, their textbooks, and other relevant authoritative sources.

1. **Discussion Questions**
   a. What is federalism?
   b. Basically, how are powers divided and shared in the federal system of government in the United States?
   c. What does federalism—the division and sharing of powers between the national and state governments—have to do with the issue involving David and the local school officials?
   d. How, in general, has the division and sharing of powers in the federal system changed during the past 200 years?
   e. How did the following events affect division and sharing of powers in the American federal system?
      - Civil War
      - Industrial development after 1865
      - Great Depression and New Deal
      - Civil rights movement of black Americans

   f. What are major issues in American history concerning division and sharing of powers in the federal system? (Identify and discuss at least three major issues.)
   g. Have these issues been resolved? If so, how?

2. **Federalism in the Constitution**
   Have students refer to relevant parts of the Constitution to support answers to the following questions.
   a. If a state constitution or state law clashes with federal law, which prevails? (See Article VI.)
   b. Can the federal government establish a national school system under control of the U.S. Department of Education? (See Article I, Section 8, and Amendment X.)
   c. How does Amendment X apply to the issue involving David and the local school officials?
   d. How does Amendment XIV apply to this program?

3. **Making Decisions**
   Divide students into groups of five to seven members, depending on the size of the class. Ask each group to make a decision about the central issue in this program. Use the following questions to guide deliberation and decision making.
   a. If they were members of the local school board, how would they decide about spending scarce resources to provide special high school facilities to meet David's needs?
   b. How would they use the concept of federalism to explain their decision? Appoint one student per group to report the majority opinion of the group to the class. Have other students respond to the ideas presented in the reports. Provide opportunities for students with dissenting opinions to express their views.

4. **Additional Inquiry about Federalism**
   Ask students to complete the following activities and to make reports about them orally and/or in writing.
   a. Find at least one example of federalism in a recent newspaper or magazine article. Bring the article to class and make a brief report about it.
   b. Gather information and ideas from at least five sources to support your position for or against the following statement: "The growth of national government power should be halted and reversed so that states' rights could be expanded to bring powers and duties of government closer to the people."

Suggested Reading

Elazar, David. *American Federalism: A View from the States*. New York: Harper and Row, 1984.

Hamilton, Alexander, James Madison, and John Jay. *The Federalist Papers*. Edited by Garry Wills. New York: Bantam Books, 1982. (Refer to Numbers 9, 10, 37, 39, 45, and 51.)

Kelly, Alfred H., Winfred Harbison, and Herman Belz. *The American Constitution: Its Origin and Development*. 6th ed. New York: W.W. Norton and Company, 1983.

Patrick, John J., and Richard C. Remy. *Lessons on the Constitution: Supplements to High School Courses in American History, Government, and Civics*. Washington, D.C.: Project '87 of the American Historical Association and the American Political Science Association, 1985. (Refer to lessons for secondary school students on the concept of federalism, 117-131 and 219-224.)

Patrick, John J., and Clair W. Keller. *Lessons on the Federalist Papers: Supplements to High School Courses in American History, Government, and Civics*. Bloomington, Ind.: Social Studies Development Center and Organization of American Historians, 1987. (Refer to Lesson 4 on the concepts of federalism and republicanism.)

Schechter, Stephen L. *Teaching about American Federal Democracy*. Philadelphia: Center for the Study of Federalism at Temple University, 1985.

PROGRAM 3

Separation of Powers with Checks and Balances

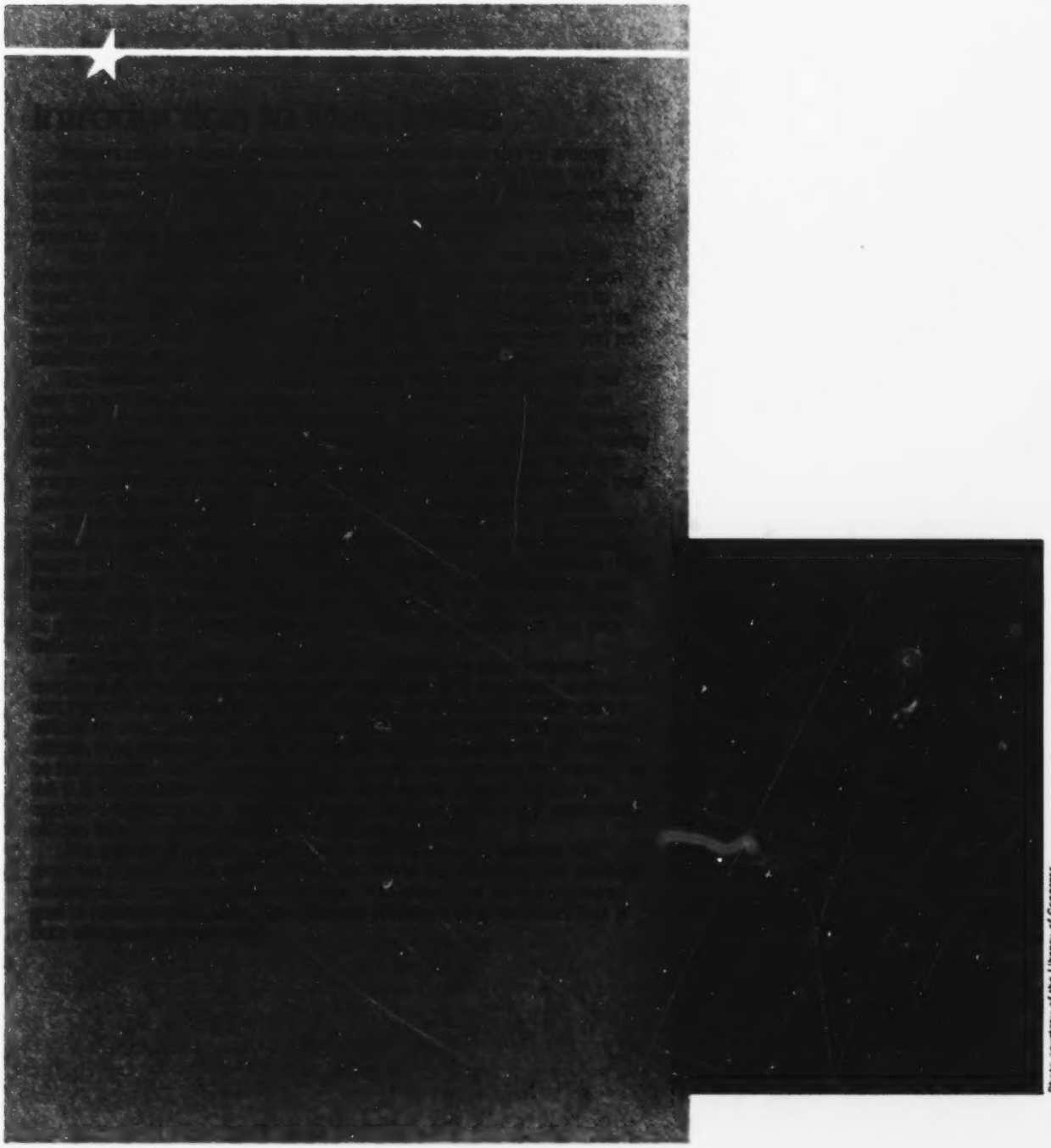


Photo courtesy of the Library of Congress

References to the Constitution

Parts of the U.S. Constitution emphasized in this program are

- Article I (powers and duties of the legislative branch)
- Article II (powers and duties of the executive branch)
- Article III (powers and duties of the judicial branch)

Teachers and students should review these parts of the Constitution before and after they view this program.

Connection to the Curriculum

This program complements American government and civics textbook chapters on the three branches of government and their interactions. It fits especially well with the introduction of the interrelated principles of separation of powers and checks and balances, a discussion that usually appears in chapters on the Constitutional Convention in American government, history, and civics textbooks. Finally, the program can be used to illuminate discussions of limited government and separation of powers in conjuction with President Truman's attempted seizure (in the national interest) of privately owned steel mills during the Korean War.

Program Summary

Three buildings in Washington, D.C.—the Capitol, the White House, and the Supreme Court Building—symbolize the separation of powers with checks and balances in the United States government. This system of separated and shared powers was created at the Constitutional Convention of 1787 to provide a limited government that could also act energetically and effectively to pursue the common good. From the beginning, the three branches of government have cooperated and contended with one another in using power to govern effectively and in checking power to protect the liberties of individuals.

★ The dramatic episode illuminates the workings of the three branches of the federal government. Three teenagers—Tory Reynolds, Rachel Powers, and Grant Colter—are concerned about a marshy wilderness area in their community, an area that may be used by the federal government to dispose of nuclear waste material. The teenagers seek advice from their high school government teacher, Aaron Stern, about how to respond. Stern advises them about the powers and responsibility held in this sort of matter by the different branches of the federal govement. He also encourages them to gather more information about the issue before contacting government officials.

★ The documentary part of the program presents examples of how power is separated and shared among three branches of government under provisions of the Constitution. A main theme of this segment is to how these provisions protect the people against tyranny.

★ A return to the dramatic part of the program shows Tory, Rachel, and Grant investigating the issue of whether the federal government should use the wilderness area to dispose of nuclear waste. In their investigation, they learn more about the powers and responsibilities of the legislative branch and the executive branch—in particular, the federal bureaucracy—in formulating and carrying out the federal government's policy on nuclear waste disposal. And they learn how citizens may be involved in these governmental decisions under the U.S. Constitution.

★ The final documentary segment of this program shows how separation of powers with checks and balances has historically functioned in government. The featured example is the case of President Truman's attempted seizure of privately owned steel mills in 1952, during the Korean War. Truman acted in response to a threatened work stoppage at the steel mills that might have resulted from an imminent strike by the steel workers' union. Since Truman wanted to maintain the flow of weapons and ammunition to American forces in Korea, he issued an executive order to provide the federal Secretary of Commerce, Charles Sawyer, with authority to temporarily take control of the steel mills. However, the owners of a major steel mill, Youngstown Sheet and Tube Company, challenged President Truman's action in the federal courts. In the case of *Youngstown Sheet and Tube Company v. Sawyer*, the Supreme Court ruled that the president's executive order was an unconstitutional exercise of power. Thus the president's exercise of power was limited by the Supreme Court, a significant instance of the operation of separation of powers with checks and balances under the Constitution.

★ The program ends with a return to the drama. Tory, Rachel, and Grant meet with their Representative in Congress, Lily Vasquez. They discuss the issue with her and learn more about the separation and sharing of powers in the federal government. They learn that the executive-branch agencies in this case must follow strict guidelines to assure the safety of people and protection of the environment. If these guidelines are not followed, citizens can seek federal-court intervention. The program ends with a question about the value of separation of powers with checks and balances.

Before the Program

Read the quotation of James Madison from *The Federalist* 47 (see the "Introduction to Main Ideas" for this lesson) about the relationship of separation of powers and prevention of tyranny in government. Ask students to interpret and explain the statement. Ask them if they agree with it and why. Then tell students that they will view a program that shows how powers of government are shared and separated under the U.S. Constitution and how this principle of government affects them as citizens.

After the Program

The program ends with a discussion among Tory, Rachel, Grant, and their Representative in Congress. They talk about the value of separation and sharing of powers in government, and Representative Vasquez makes this comment: "I know this way is often inefficient. Sometimes it seems the government could stop entirely. But can you think of a better way?" Ask students to discuss this question in terms of ideas and information presented in this program.

Move from this broad opening discussion to the following questions and activities. Challenge students to support their answers with ideas and information from this program, the Constitution, their textbooks, and other relevant authoritative sources.

1. **Discussion Questions**
   a. What is separation of powers in government?
   b. What is the system of checks and balances? (Identify at least three examples in the U.S. Constitution.)
   c. What is the value to citizens of having a constitutional government that provides separation of powers with checks and balances?
   d. How does the case of President Truman's attempt to control privately owned steel mills (Youngstown Sheet and Tube Company v. Sawyer) exemplify the operation of separation of powers with checks and balances?
   e. What are possible weaknesses in a government of separated and shared powers?
   f. Are the weaknesses outweighed by the strengths of a government based on separation of powers with checks and balances?
2. **Separation of Powers with Checks and Balances in the Constitution**
   Have students refer to relevant parts of the Constitution to support answers to the following questions.
   a. Refer to Articles I, II, and III of the U.S. Constitution. Can you find at least six examples that show how the powers of government are separated among the three branches of government?
   b. Suppose the Chief Justice of the Supreme Court died suddenly and the Senate immediately chose a replacement by two-thirds majority vote. Is this action permissable under the Constitution? (Refer to Article II, Section 2.)
   c. Does Congress have power to limit the President's use of money belonging to the federal government? (Refer to Article I, Section 7.)
   d. Refer to Articles I, II, and III of the Constitution. Can you find at least three examples of the sharing of powers among the three branches of government that show how the powers of the federal government are not completely separated?
3. **Making Decisions**
   Divide students into groups of five to seven members, depending on the size of the class. Ask each group to discuss how citizens might participate effectively to influence the formulation and enforcement of federal government policy. Tell students to imagine that they want to influence government policy on disposal of nuclear waste material in the situation portrayed in the dramatic part of this program.

   Each group should make a plan for taking effective action to influence the federal government. The plan should recognize that power is separated and shared among three branches of government and that more than one branch may have to be contacted to deal effectively with the problem. The plan made by each group should be the result of decisions made by majority rule.

   Appoint one student per group to report the group's plan to the class. Have other students respond to the ideas presented in the reports. Then ask students to judge which plan is most likely to be an effective means of citizen participation in a constitutional government with separation and sharing of powers among three branches of government.

4. **Additional Inquiry about Separation of Powers with Checks and Balances**
   Ask students to complete the following activities.
   a. In the case of *Youngstown Sheet and Tube Company v. Sawyer* (1952), Supreme Court Justice Robert Jackson wrote, "While the Constitution diffuses power the better to secure liberty, it also contemplates that the practice will integrate the dispersed powers into a workable government. It enjoins upon its branches separateness but interdependence, autonomy but reciprocity." Ask students to write a brief report that explains the main ideas of this statement and how these ideas were acted upon in the Supreme Court's decision about President Truman and the steel mills.
   b. In 1789, at the first session of Congress, several members wanted to add the following amendment to the Constitution. However, it was voted down.

      > The powers delegated by this constitution are appropriated to the departments to which they are respectively distributed so that the legislative department shall never exercise the powers vested in the executive or judicial, nor the executive exercise the powers vested in the legislative or judicial, nor the judicial exercise the powers vested in the legislative or executive departments.

      Ask students to write a brief report about the preceding proposal to amend the Constitution. Ask them to speculate about how this amendment, if accepted, would have affected the operation of constitutional government in the United States. Invite them also to compare and contrast this statement on separation of powers with the statement of Justice Robert Jackson presented above.

Suggested Reading

Conkin, Paul. *Self-Evident Truths, Being a Discourse on the Origins and Development of the First Principles of American Government: Popular Sovereignty, Natural Rights, and Balance and Separation of Powers*. Bloomington, Ind.: Indiana University Press, 1974.

Fisher, Louis. *Constitutional Conflicts between Congress and the President*. Princeton, N.J.: Princeton University Press, 1985.

Hamilton, Alexander, James Madison, and John Jay. *The Federalist Papers*. Edited by Garry Wills. New York: Bantam Books, 1982. (Refer to Numbers 47, 48, 49, 50, and 51.)

Patrick, John J., and Richard C. Remy. *Lessons on the Constitution: Supplements to High School Courses in American History, Government, and Civics*. Washington, D.C.: Project '87 of the American Historical Association and the American Political Science Association, 1985. (Refer to Lessons III-4, III-5, III-6, III-7, III-8, III-9, III-10, and IV-13.)

Patrick, John J., and Clair W. Keller. *Lessons on the Federalist Papers: Supplements to High School Courses in American History, Government, and Civics*. Bloomington, Ind.: Social Studies Development Center and Organization of American Historians, 1987. (Refer to Lesson 5 on separation of powers with checks and balances.)

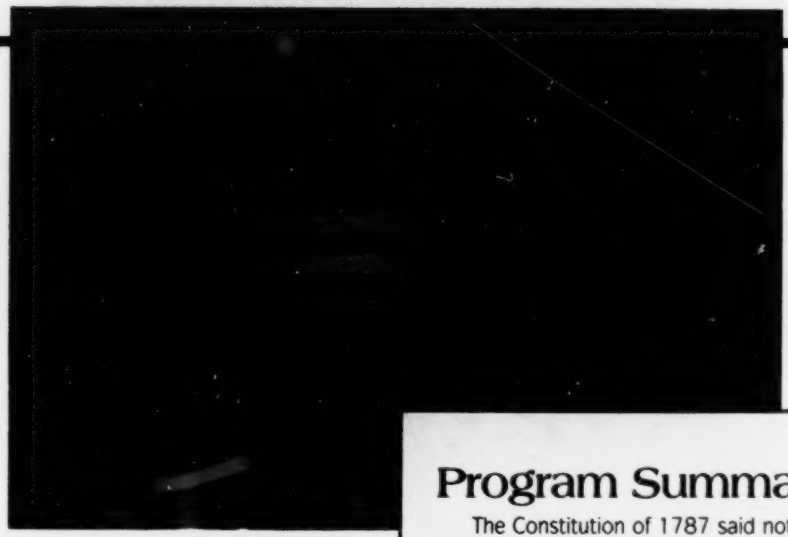
Peltason, Jack W. *Corwin and Peltason's Understanding the Constitution*. 9th ed. New York: Holt, Rinehart, and Winston, 1982.

Woll, Peter. *Constitutional Democracy*. 2nd ed. Boston: Little, Brown, and Company, 1986.

PROGRAM 4

Freedom of Expression

Introduction to Main Ideas



Program Summary

The Constitution of 1787 said nothing about freedom of speech or the press. This upset many Americans, who argued that a Bill of Rights, including the rights of free expression, should be added to it. In order to win ratification of the Constitution, its supporters pledged to add a Bill of Rights. In 1791, ten amendments were added to the Constitution. The first amendment prohibited the federal government from violating an individual's freedom of speech and freedom of the press.

★ The dramatic episode raises an issue about governmental authority to limit an individual's freedom of speech. Charlie Benjamin is a volunteer for the Teen Hotline, a community service to help young people with suicidal tendencies. Charlie and his friends want to use their community access cable channel to air their own videotape on teenage suicide. Their purpose is to prevent suicide, but because the program includes sensitive, controversial material, some influential adults in the community want to prevent it from being broadcast. They fear that the tape will glamorize teen suicide and harm the community. A local governing body (the Cable TV Council) appointed by the city government has authority to decide what is aired on the community access channel and when to schedule it. An issue of free speech is raised: Should the Cable TV Council, an agency of the local government, have the power to prevent Charlie's tape from being broadcast on the community access channel?

★ The documentary part of the program traces the development of free speech under the U.S. Constitution from the 1790s until today. The earliest test of First Amendment freedoms came in 1798 with passage of the Sedition Act. This act raised the issue of how far freedom of speech and the press could be restricted in the interest of national security. Jeffersonian Republicans opposed the act vigorously, and it ceased to be operable after the election of 1800, when their party came to power.

New tests of permissable limits on free expression came about during crises such as the Civil War, World War I, and World War II. The gradual tendency, however, has been expansion of the right to freedom of expression and greater limits on the government's authority to circumscribe it. Today it seems that the latitude for freedom of expression is very broad. But issues about the legitimate limits on free expression arise from time to time, especially in regard to pornography and national security.

★ The program ends with a return to the drama about Charlie Benjamin and his efforts to broadcast the videotape on teen suicide. Charlie shows the video program to a meeting of the Cable TV Council. Arguments for and against broadcasting the program are heard. Issues are raised about the constitutional right to free speech and legitimate limits on this right. The program ends with Charlie's claim that his constitutional right to free speech would be infringed if the local government agency prohibits his videotape from being aired.

References to the Constitution

Parts of the U.S. Constitution emphasized in this program are

- Amendment I
- Amendment XIV

Teachers and students should review these parts of the Constitution before and after they view this program.

Connection to the Curriculum

This program can be used to complement American history textbook treatments of the origin and ratification of the Bill of Rights, arguments about the Alien and Sedition Acts of 1798, and questions about freedom of expression and national security during World Wars I and II and the Vietnam War. The program also fits standard American government and civics textbook chapters on civil liberties and discussions of the rights and responsibilities of citizenship.

Before the Program

Read the First Amendment guarantee of free speech and press to students. Ask them to discuss the meaning of these words. Ask if these words suggest any limits on freedom to express ideas through speech or the press. If not, why? If so, what are these limits and why are they justifiable? Emphasize that Americans have been arguing about the permissable limits on freedom of expression since the founding of the republic. Point out that the class will view a program about freedom of expression in television broadcasts.

After the Program

The program ends with a public meeting of the Cable TV Council, a local government agency deliberating about whether to broadcast Charlie Benjamin's videotape on the community access channel. Charlie challenges the authority of the Council to prohibit the broadcast of his tape. Virginia Winters, chairperson of the council, tells Charlie, "Your right to free speech stops at the point where it endangers this community." Charlie replies, "Just where is that point? You really think we've reached it?" Ask students to discuss Charlie's concluding question in terms of ideas and information presented in this program.

Move from this broad opening discussion to the following questions and activities. Challenge students to support answers with ideas and information from the program, the Constitution, their textbooks, and other relevant authoritative sources.

1. **Discussion Questions**
   a. What is the First Amendment guarantee of free speech and press?
   b. How is the Fourteenth Amendment to the Constitution related to the First Amendment guarantee of freedom of expression?
   c. What are legitimate limits on freedom of expression?
   d. How have national crises, such as the Civil War and World Wars I and II, affected limitations on freedom of expression?
   e. In general, how has freedom of expression changed within American constitutional government from 1787 until today?
   f. What are major issues today concerning freedom of expression? (Identify and discuss at least two issues.)

2. **Freedom of Expression in the Constitution**
   Have students refer to relevant parts of the Constitution to support answers to the following questions.
   a. A public school teacher criticized the policies of the local juvenile court. A deputy sheriff took her from the classroom to the judge's chambers for an official reprimand and warning to stop criticizing local government authorities. Is this action permissable under the U.S. Constitution?
   b. The Ku Klux Klan petitioned the local government of a small town for permission to hold a peaceful rally in a public park at the center of town. The Klan members wanted to distribute literature about their organization and make speeches about current issues. Several local groups, representing a majority of inhabitants of the town, protested the Klan's plans and demanded that the Klan's petition be denied in the interests of the majority of the community. Local government officials decided that the majority should rule and said that local law enforcement would prevent the rally. Is this action permissable under the Constitution?
   c. Police arrested a person for using a "sound truck" (with a loudspeaker) to spread political ideas. However, people had complained that he was disturbing them. Was the person's right to free speech violated?

3. **Making Decisions**
   Ask students to conduct a role-play activity linked to the final scene in this program. Select individuals to represent Virginia Winters (chairperson of the Cable TV Council), Charlie Benjamin, Nick Harris (manager of the Teen Hotline and Charlie's supporter), Stella and James Carter (Charlie's opponents in this controversy), Karen Larson (Charlie's friend), and other Cable TV Council members and concerned citizens at the public meeting. Give everyone in the class a role. Then ask students to simulate a continuation of the videotape discussion about the free speech issue.

After a discussion of the issue, conclude the open meeting of the Council and set up a closed meeting during which the decision is made. Have the members of the Cable TV Council continue to play their roles. Ask other members of the class to observe the decision-making process and to be prepared to react to the decision. Have the members of the Council discuss and vote on whether to air Charlie's tape and report their decision to the class. Conclude the activity with a general discussion of the pros and cons of the decision reached.

4. **Additional Inquiry about Freedom of Expression**
   Ask students to find information about the following Supreme Court cases on freedom of expression. Have them write brief reports on each case and answer the following questions.
   a. How did the case arise?
   b. What was the constitutional issue in the case?
   c. What was the Supreme Court's decision?
   d. Was there a dissenting opinion? If so, what were its main ideas?
   e. What is the significance of this decision?

   Cases to investigate:
   - Schenck v. United States (1919)
   - Near v. Minnesota (1931)
   - Federal Communications Commission v. Pacifica Foundation (1978)
   - Wilkinson v. Jones (1987)
   - Hazelwood School District v. Kuhlmeier (1987)

Suggested Reading

Friendly, Fred W., and Martha J. H. Elliott. *The Constitution: That Delicate Balance, 31-50, 69-90*. New York: Random House, 1984.

Garraty, John A., ed. *Quarrels That Have Shaped the Constitution*, rev. and exp., 209-231. New York: Harper and Row, 1987.

Murphy, Paul L. *The Constitution in Crisis Times: 1918-1969*. New York: Harper and Row, 1972.

Patrick, John J., and Richard C. Remy. *Lessons on the Constitution: Supplements to High School Courses in American History, Government, and Civics*. Washington, D.C.: Project '87 of the American Historical Association and the American Political Science Association, 1985. (Refer to Lessons IV-9 and V-12.)

Peck, Robert S., and Mary Manemann, eds. *Speaking and Writing Truth: Community Forums on the First Amendment*. Chicago: American Bar Association, 1985.

Rutland, Robert Allen. *The Birth of the Bill of Rights: 1776-1791*. Chapel Hill: University of North Carolina Press, 1955.

Smith, James M., and Paul L. Murphy, eds. *Liberty and Justice: The Modern Constitution*. New York: Alfred A. Knopf, 1968.

PROGRAM 5

Equal Protection of the Laws

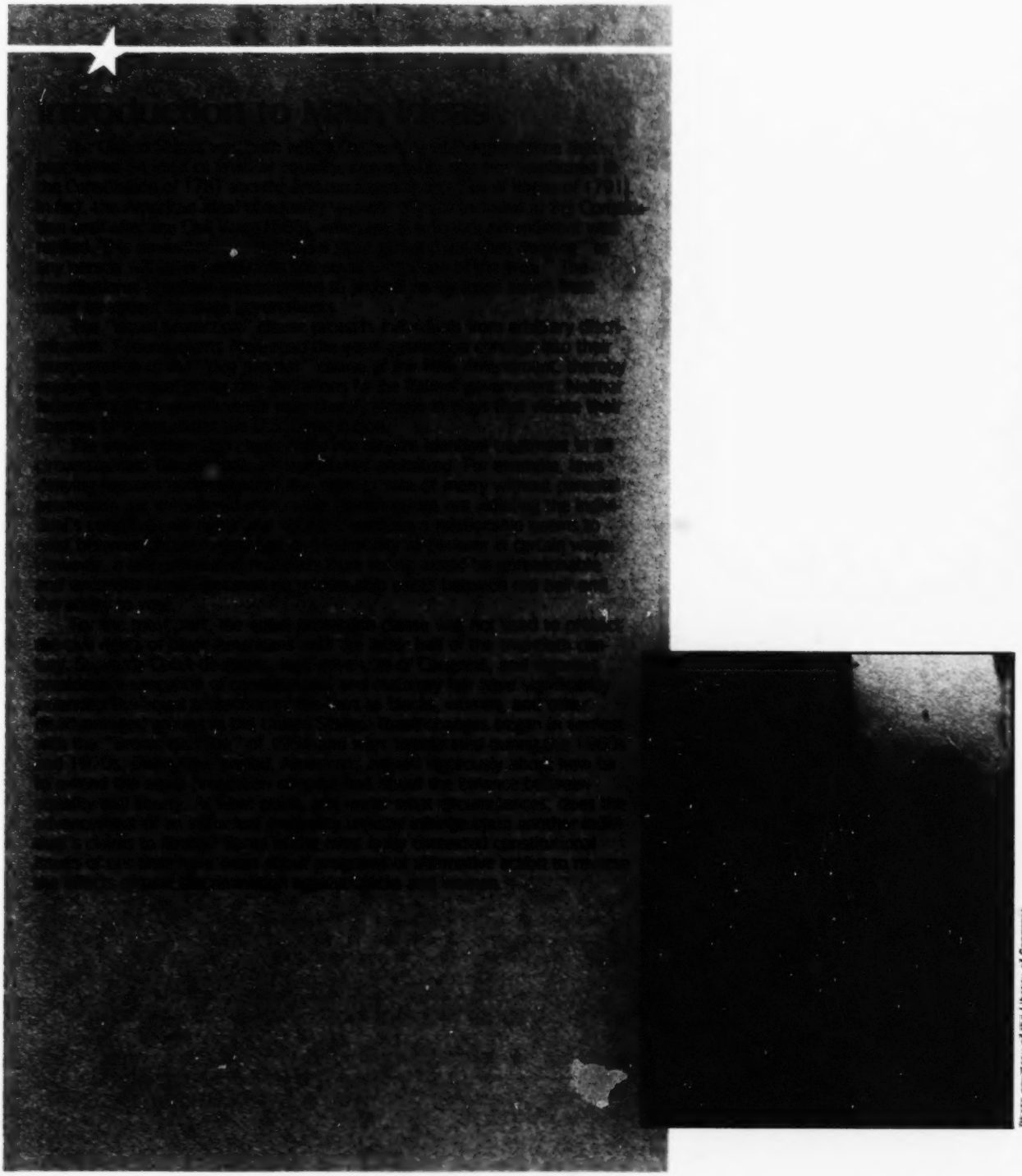


Photo courtesy of the Library of Congress.

Photo courtesy of the Library of Congress.

References to the Constitution

Parts of the U.S. Constitution emphasized in this program are

- Amendment XIV, Section 1
- Amendment V, due process clause
- Article I, Section 8, commerce clause
- Article VI, supremacy clause

Teachers and students should review these parts of the Constitution before and after they view this program.

Connection to the Curriculum

This program can be used to complement American history textbook discussions of the enactment of the Fourteenth Amendment during the Reconstruction period. Another connection point in American history courses is to the black civil rights movement and Warren Court decisions of the 1950s and 1960s and the feminist movement of the 1970s and 1980s. In American government and civics courses, the program can be used with textbook discussions of the black civil rights movement and discussions of the interpretation and application of the Fourteenth Amendment to cases involving racial and ethnic minorities, women, the elderly, and the physically handicapped.

Program Summary

"Equal Justice Under Law" are the words carved in stone above the entrance to the Supreme Court Building in Washington, D.C. They symbolize a basic ideal of constitutional democracy in the United States. However, equality was not included explicitly in the Constitution until ratification of the Fourteenth Amendment in 1868. And equal protection of the laws was not enjoyed by women and various minorities until the latter part of the twentieth century. From 1868 until today, major issues have arisen about the meaning and application of the equal protection clause of the Fourteenth Amendment.

★ The dramatic episode about Rose Sawyer, who needs a job to support her two teenage grandchildren, raises an issue about age discrimination in employment. Rose has a superior record as an aircraft pilot, dating to a tour of duty in the Army Air Corps during World War II and continuing through many years of successful service as a commercial pilot. She has retained her commercial pilot's license, but has not recently had a job flying.

When she responds to an advertised job opportunity, Rose confronts resistance from the employer, Bill Burns. Because of Rose's age, he is skeptical of her ability to handle the rigorous challenges of the job. And he is supported by state law that permits discrimination in hiring on the basis of age under certain job conditions, such as jobs requiring speedy performance or quick reaction time, extraordinary endurance, and ability to perform tasks safely under difficult circumstances. Rose, however, believes she can prove her ability to perform excellently in this job. A constitutional issue is raised about violation of Rose's right to equal protection of the laws.

★ The documentary portion of the program then explains how the Fourteenth Amendment has been interpreted and applied to cases involving the equal protection of black people. The 1896 "separate but equal" ruling in *Plessy v. Ferguson* is contrasted to the 1954 decision in *Brown v. Board of Education of Topeka, Kansas*, which overturned state laws supporting racial segregation in schools. The advancement of rights to equal protection for blacks, which has had implications for women, the elderly, and others, is traced from the 1950s to the 1980s. Reference is made to continuing issues about how to balance equality with liberty under the Constitution.

★ The program ends with a return to the drama about Rose Sawyer and whether her constitutional right to equal protection might be violated. A question is raised about the employer's freedom to do what he thinks is best for his business, even if this results in discrimination against an individual seeking a job.

Before the Program

Read the first part of the second paragraph of the Declaration of Independence: "We hold these Truths to be self-evident, that all Men are created equal. . . ." Ask students to discuss the meaning of these words. Then ask if this ideal of equality is ennunciated in the U.S. Constitution. Finally, refer to Amendment XIV, Section 1, of the Constitution. Read Section 1 and focus attention on the term **equal protection of the laws**. Discuss the origin and meaning of the equal protection clause, and ask students to speculate about how this part of the Constitution applies to them. Point out that they will view a program about equal treatment under the law.

After the Program

The program ends as Rose Sawyer confronts Bill Burns. She threatens to take him to court to secure her rights to equal treatment under federal law and the Constitution. He replies with a question: "What about my rights? Shouldn't I have freedom to do what's best for my business?" Ask students to discuss Mr. Burns' question in light of ideas and information presented in the program.

Move from this broad opening dscussion to the following questions and activities. Challenge students to support their answers with ideas and information from this program, the Constitution, their textbooks, and other relevant authoritative sources.

1. **Discussion Questions**
   a. What is the Fourteenth Amendment guarantee of equal protection of the laws?
   b. What does equal protection of the laws have to do with the disagreement between Rose Sawyer and Bill Burns?
   c. How did each of the following events affect equality under the law in the United States?
      - Civil War
      - Plessy v. Ferguson
      - Brown v. Board of Education of Topeka, Kansas
      - Martin Luther King, Jr.
      - President John F. Kennedy
      - Civil Rights Act of 1964
   d. In general, how has equal protection of the laws changed within American constitutional government from 1787 until now?
   e. What are major issues today concerning equality under the law? (Identify and discuss at least two issues.)

2. **Equal Protection of the Laws**
   Have students refer to relevant parts of the Constitution to support answers to the following questions.
   a. Suppose a state government passes a law that requires all women state employees to receive higher pay than males employed in the same types of jobs. Would this be legal under the U.S. Constitution? (See Amendment XIV, Section 1.)
   b. Two men own property of equal value, and both properties are needed by the federal government for a public works project. One person is compensated at a much lower level than the other, even though the property is of equivalent value, as documented by government assessors. Would this be legal under the Constitution? (See Amendment V.)
   c. How do the following parts of the Constitution apply to the issue involving Rose Sawyer and Bill Burns? (See Article VI; Article I, Section 8, commerce clause; and Amendment XIV.)

3. **Making Decisions**
   Divide students into groups of five to seven members, depending on the size of the class. Ask each group to make a decision about the central issue in this program. Use the following questions to guide deliberation and decision making.
   a. What is the central issue in this program?
   b. What are the alternative choices in responding to this issue?
   c. Which alternative is best? Why? (Justify your decision in terms of the consequences it is likely to bring about; make the choice that seems to lead to the best outcome.)

   Appoint one student per group to report the majority opinion of the group to the class. Have other students respond to the ideas presented in the reports. Provide opportunities for students with dissenting opinions to express their views.

4. **Additional Inquiry about Equal Protection of the Laws**
Ask students to find information about the Supreme Court case of *Johnson v. Transportation Agency of Santa Clara, California* (1987). This is the case in which the Court, by a 6-3 vote, ruled that employers can voluntarily adopt hiring and promotion goals for under-represented women and minorities, in order to remedy "a conspicuous imbalance in traditionally segregated job categories." Ask students to report on the constitutional issue in this case, the decision and its constitutional justification, and the consequences of the decision in the daily lives of Americans. Finally, ask students to discuss the pros and cons of the decision and to agree or disagree with the decision.

Suggested Reading

Baer, Judith A. *Equality under the Constitution. Reclaiming the Fourteenth Amendment*. Ithaca, N.Y.: Cornell University Press, 1983.

Friendly, Fred W., and Martha J. H. Elliott. *The Constitution: That Delicate Balance, 211-233*. New York: Random House, 1984.

Garraty, John A., ed. *Quarrels That Have Shaped the Constitution*, rev. and exp. New York: Harper and Row, 1987.

Hyman, Harold, and William M. Wiecek. *Equal Justice under Law: Constitutional Development, 1835-1875*. New York: Harper and Row, 1982.

Meyer, Howard. *The Amendment That Refused to Die*. Radnor, Pa.: Chilton Book Company, 1973.

Patrick, John J., and Richard C. Remy. *Lessons on the Constitution: Supplements to High School Courses in American History, Government, and Civics*. Washington, D.C.: Project '87 of the American Historical Association and the American Political Science Association, 1985. (Refer to Lessons V-9, V-15, and V-19.)

Wilkinson, J. Harvie, III. *From Brown to Bakke: The Supreme Court and School Integration: 1954-1978*. New York: Oxford University Press, 1979.

PROGRAM 6

The Constitution and the Economy

Photo courtesy of the Library of Congress

References to the Constitution

Parts of the U.S. Constitution emphasized in this program are

- Article I, Section 8, especially Clause 1 (power of taxation and responsibility for the general welfare), Clause 2 (borrowing money), Clause 3 (regulation of commerce), and Clause 5 (coining and regulating the money supply)
- Article I, Section 10 (denial to state governments of certain powers, such as erecting barriers to interstate trade, impairing the obligation of contracts, and making treaties with foreign powers)
- Amendments V and XIV (provisions for protecting the property rights of individuals against arbitrary acts of federal or state governments)
- Amendment XVI (power granted to lay and collect taxes on incomes)

Teachers and students should review these parts of the Constitution before and after they view this program.

Connection to the Curriculum

This program fits with chapters in American government and civics textbooks about interrelationships of government and the economic system. It also can be used in conjunction with civics and government textbook chapters on the federal bureaucracy and the regulatory responsibilities of executive departments, agencies, and commissions. The program has numerous connections to standard American history textbooks—the arguments between Hamilton and Jefferson about the constitutionality of a national bank; the Jackson era arguments about the national bank; and the growth of federal regulation of economic activity during the Progressive era, the New Deal era, and the era of environmental concern in the 1960s and 1970s.

Program Summary

The U.S. Constitution of 1787 gave the federal government significant economic powers that were not available under the Articles of Confederation. Congress was granted power to tax, borrow money, regulate commerce, coin and regulate money, and provide for the general welfare, including the economic well-being of the nation. All these powers helped the United States establish a workable national economy where free enterprise could flourish and individuals could prosper.

Soon after the establishment of government under the Constitution, American leaders argued about the economic role of the federal government. Alexander Hamilton favored government promotion of business, as exemplified by his support of a national bank. Thomas Jefferson favored a more limited role for the federal government. Questions about the extent of government involvement in the economic life of the nation have persisted.

★ The dramatic episode illustrates an issue about government regulation of private business. Billy Kim owns a small business that specializes in painting automobiles. Carl Rivers, a teenager, is one of his new employees. Mr. Kim is concerned about compliance with state and federal regulations on workplace safety and pollution control. He has bought expensive equipment that meets government standards. However, air pollution has become a big problem in Mr. Kim's community, and state and federal government authorities intend to impose even higher pollution control standards. Mr. Kim is concerned that he may not be able to afford any further investment in equipment to control air pollution. To have the money needed to comply, Mr. Kim may have to dismiss some of his new employees, like Carl Rivers.

★ The documentary portion of the program shows how government regulation of economic activity has increased steadily from the last part of the nineteenth century until today. The Industrial Revolution following the Civil War and the Great Depression of the 1930s brought about social and economic conditions leading to more government involvement in the economy. Today, the federal government has a pervasive role in regulating economic activities directly through various executive departments, agencies, and commissions. In addition, the government regulates business activity through grants and contracts, which require compliance with federal rules and guidelines. The 1980s have seen a tendency toward deregulation of private enterprise. But the extent and circumstances of government regulation or deregulation of private enterprise continues to be a significant constitutional and economic issue.

★ The program concludes with a return to the dramatic episode. Mr. Kim is faced with government orders to invest in new pollution-control equipment. He will have to lay off workers, including Carl Rivers, to stay in business. Mr. Kim acknowledges the government's power and responsibility to demand compliance with new and higher standards for controlling air pollution. Carl replies with a question about whether certain kinds of government regulations are fair to the property owner.

Before the Program

Write the words **economic, economic system**, and **national economy** on the chalkboard. Ask students to discuss the meaning of these words. Then ask what the U.S. Constitution has to do with these words. Conduct a brief discussion and ask students to speculate about the relationship of the Constitution to the economic life of the United States. Conclude this introductory discussion by telling students that they will view a program about the role of constitutional government in the economic life of the United States.

After the Program

The program ends with a question by Carl Rivers about government authority to regulate Billy Kim's business. Carl says, "There must be limits to the government's power. Why can't they protect the air without pushing an honest guy like you out of business? Don't you think they're going too far?" Have students respond to Carl's question by discussing the balance between government regulation of economic activity and the freedom of individuals who own a business.

Move from this broad opening discussion to the following questions and activities. Challenge students to support their answers with ideas and information from this program, the Constitution, their textbooks, and other relevant authoritative sources.

1. **Discussion Questions**
   a. How did the establishment of government under the Constitution of 1787 improve U.S. prospects for economic growth and prosperity?
   b. How did Alexander Hamilton and Thomas Jefferson disagree about the federal government's economic role?
   c. How did the following events affect the economic role of the federal government?
      - Industrial Revolution after the Civil War
      - Great Depression and New Deal
      - Environmental movement of the 1970s
      - Deregulation policies of President Reagan's administration
   d. In general, how has federal government regulation of the economy changed from 1800 until today?
   e. To what extent, and under what circumstances, should government under the Constitution regulate business activity or permit freedom of private enterprise?

2. **The Economy in the Constitution**
   Have students refer to relevant parts of the Constitution to support answers to the following questions.
   a. What examples covering the relationship of government to the economy can you find in Article I, Section 8, of the U.S. Constitution?
   b. Suppose the New Jersey government passed a tariff law to tax goods coming into the state from New York, Connecticut, and Pennsylvania. Would this act be permissable under the Constitution?
   c. Suppose the federal government passed a law to set standards for the quality of dairy products sold throughout the United States. Would this act be permissable under the Constitution?

3. **Making Decisions**
   Conduct a full-class discussion of the issue about government regulation of private business raised by the dramatic episode. Use the following questions to guide deliberation and decision making by the class.
   a. What is the issue in this program?
   b. What are the alternatives?
   c. What are the likely consequences of each alternative?
   d. Which consequences are more or less desirable?
   e. Which alterative choice is best? [Justify your decision in terms of the consequences it is likely to bring about; make the choice that seems to lead to the best outcome.]

4. **Additional Inquiry about the Constitution and the Economy**
   Ask students to complete the following activities.
   a. Consult an American history, government, or civics textbook and find two examples of government regulation of economic activity. Write a brief report about these cases in which you discuss the constitutional bases for government regulation.
   b. Find at least two examples of government regulation of economic activity in a newspaper or news magazine. Write a brief report about these examples and discuss the constitutional bases for government regulation in these cases.

Suggested Reading

Baxter, Maurice C. *The Steamboat Monopoly: Gibbons v. Ogden, 1824*. New York: Alfred A. Knopf, 1972.

Goldwin, Robert A., and William A. Schambra, eds. *How Capitalistic Is the Constitution?* Washington, D.C.: American Enterprise Institute for Public Policy Research, 1985.

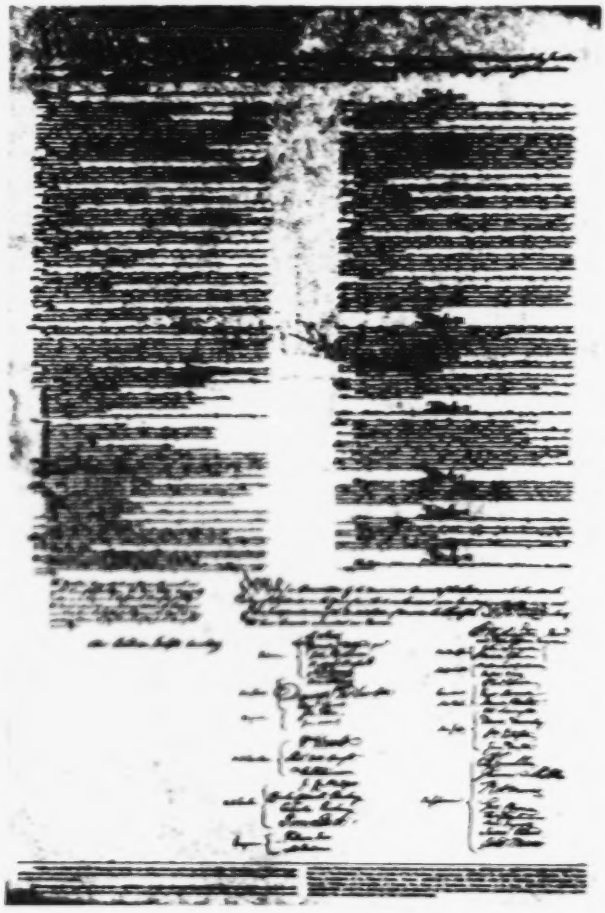
Kelly, Alfred H., Winfred Harbison, and Herman Belz. *The American Constitution: Its Origin and Development*. 6th ed. New York: W.W. Norton and Company, 1983.

Patrick, John J., and Richard C. Remy. *Lessons on the Constitution: Supplements to High School Courses in American History, Government, and Civics*. Washington, D.C.: Project '87 of the American Historical Association and the American Political Science Association, 1985. (Refer to Lessons IV-7, V-4, V-5, V-8, V-10, and V-11.)

Constitution of the United States of America

The oldest federal constitution in existence was framed by a convention of delegates from twelve of the thirteen original states in Philadelphia in May, 1787, Rhode Island failing to send a delegate. George Washington presided over the session, which lasted until September 17,1787. The draft (originally a preamble and seven Articles) was submitted to all thirteen states and was to become effective when ratified by nine states. It went into effect on the first Wednesday in March, 1789, having been ratified by New Hampshire, the ninth state to approve, on June 21, 1788. The states ratified the Constitution in the following order.

Delaware	December 7, 1787
Pennsylvania	December 12, 1787
New Jersey	December 18, 1787
Georgia	January 2, 1788
Connecticut	January 9, 1788
Massachusetts	February 6, 1788
Maryland	April 28, 1788
South Carolina	May 23, 1788
New Hampshire	June 21, 1788
Virginia	June 25, 1788
New York	July 26, 1788
North Carolina	November 21, 1789
Rhode Island	May 29, 1790



[Preamble]

We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

[Historical text has been edited to conform to contemporary American usage.
The bracketed words are designations for your convenience; they are not part of the Constitution.]

Article 1

Section 1

[Legislative powers vested in Congress.] All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2

[Composition of the House of Representatives.—1.] The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

[Qualifications of Representatives.—2.] No Person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

[Apportionment of Representatives and direct taxes—census[1]—3.] (Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons.) The actual enumeration shall be made within three years after the first meeting of the Congress of the United States and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

[Filling of vacancies in representation.—4.] When vacancies happen in the representation from any State, the Executive Authority thereof shall issue writs of election to fill such vacancies.

[Selection of officers;power of impeachment.—5] The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

Section 3[2]

[The Senate.—1.] The senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

[Classification of Senators; filling of vacancies.—2.] Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments (until the next meeting of the Legislature, which shall then fill such vacancies).

[Qualification of Senators.—3.] No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

[Vice President to be President of Senate.—4.] The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

[Selection of Senate officers; President pro tempore.—5.] The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

[Senate to try impeachments.—6.] The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two thirds of the members present.

[Judgement in cases of Impeachment.—7.] Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to Law.

Section 4

[Control of congressional elections.—1.] The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

[Time for assembling of Congress.[3]—2.] The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section 5

[Each house to be the judge of the election and qualifications of its members; regulations as to quorum.—1.] Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

[Each house to determine its own rules.—2.] Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

[Journals and yeas and nays.—3.] Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

[Adjournment.—4.] Neither House, during the session of Congress, shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section 6

[Compensation and privileges of members of Congress.—1.] The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

[Incompatible offices;exclusions.—2.] No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

Section 7

[Revenue bills to originate in House.—1.] All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

[Manner of passing bills; veto power of President.—2.] Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

[Concurrent orders or resolutions, to be passed by President.—3.] Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8

[General powers of Congress.']

[Taxes, duties, imposts, and excises.—1.] The Congress shall have power to lay and collect taxes, duties, imposts an excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

[Borrowing of money.—2.] To borrow money on the credit of the United States;

[Regulation of commerce.—3.] To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

[Naturalization and bankruptcy.—4.] To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

[Money, weights and measures.—5.] To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

[Counterfeiting.—6.] To provide for the punishment of counterfeiting the securities and current coin of the United States;

[Post offices.—7.] To establish post offices and post roads;

[Patents and copyrights.—8.] To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and dicoveries;

[Inferior courts.—9.] To constitute tribunals inferior to the Supreme Court;

[Piracies and felonies.—10.] To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

[War; marque and reprisal.—11.] To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

[Armies.—12.] To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

[Navy.—13.] To provide and maintain a navy;

[Land and naval forces.—14.] To make rules for the government and regulation of the land and naval forces;

[Calling out militia.—15.] To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

[Organizing, arming, and disciplining militia.—16.] To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

[Exclusive legislation over District of Columbia.—17.] To exercise exclusive legislation in all cases whatsoever, over such district (not exeeeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;—And

[To enact laws necessary to enforce Constitution.—18.] To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Section 9

[Migration or importation of certain persons not to be prohibited before 1808.—1.] The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

[Writ of habeas corpus not to be suspended; exception.—2.] The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

[Bills of attainder and ex post facto laws prohibited.—3.] No bill of attainder or ex post facto law shall be passed.

[Capitation and other direct taxes.—4.] No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.[5]

[Exports not to be taxed.—5.] No tax or duty shall be laid on articles exported from any State.

[No preference to be given to ports of any States; interstate shipping.—6.] No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another:nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

[Money, how drawn from treasury; financial statements to be published.—7.] No money shall be drawn from Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

[Titles of nobility not to be granted; acceptance by government officers of favors from foreign powers.—8.] No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, or any kind whatever, from any king, prince, or foreign state.

Section 10

[Limitations of the powers of the several States.—1.] No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

[State imposts and duties.—2.] No State shall without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

[Further restrictions on powers of States.—3.] No State shall , without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Article II

Section 1

[The President; the executive power.—1.] The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows

[Appointment and qualifications of presidential electors.—2.] Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[Original method of electing the President and Vice President.[6]] (The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; A quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate should choose from them by ballot the Vice President.)

[Congress may determine time of choosing electors and day for casting their votes.—3.] The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

[Qualifications for the office of President.[7]—4.] No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

[Filling vacancies in the office of the President.[8]—5.] In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

[Compensation of the President.—6.] The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

[Oath to be taken by the President.—7.] Before he enter on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Section 2

[The President to be commander in chief of army and navy and head of executive departments; may grant reprieves and pardons.—1.] The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

[President may, with concurrence of Senate, make treaties, appoint ambassadors, etc.; appointment of inferior officers, authority of Congress over.—2.] He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

[President may fill vacancies in office during recess of Senate.—3.] The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their session.

Section 3

[President to give advice to Congress; may convene or adjourn it on certain occasions; to receive ambassadors, etc.; have laws executed and commission all officers.] He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers: he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section 4

[All civil officers removable by impeachment.] The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

Article III

Section 1

[Judicial powers; how vested; term of office and compensation of judges.] The judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Section 2

[Jurisdiction of Federal courts.[9]—1.] The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States, shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different states, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

[Original and appellate jurisdiction of Supreme Court. —2.] In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

[Trial of all crimes, except impeachment, to be by jury. —3.] The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Section 3

[Treason defined; conviction of.—1.] Treason against the United States, shall consist only i levying war against them, or, in adhering to their enemies, giving them aid and comfort. No persons shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

[Congress to declare punishment for treason; proviso. —2.] The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attained.

Article IV

Section 1

[Each State to give full faith and credit to the public acts and records of other States.] Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2

[Privileges of citizens.—1.] The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

[Extradition between the several States.—2.] A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the Executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

[Persons held to labor or service in one State, fleeing to another, to be returned.—3.] No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Section 3

[New States.—1.] New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

[Regulations concerning territory.—2.] The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Section 4

[Republican form of government and protection guaranteed the several States.] The United States shall guarantee to every State in this Union a Republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.

Article V

[Ways in which the Constitution can be amended.] The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth Section of the first Article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Article VI

[Debts contracted under the confederation secured.—1.] All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

[Constitution, laws, and treaties of the United States to be supreme.—2.] This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

[Who shall take constitutional oath; no religious test as to official qualification.—3.] The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Article VII

[Constitution to be considered adopted when ratified by nine States.] The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty seven and of the independence of the United States of America the Twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON
President and Deputy from Virginia

NEW HAMPSHIRE
John Langdon
Nicholas Gilman

MASSACHUSETTS
Nathaniel Gorham
Rufus King

CONNECTICUT
Wm. Saml. Johnson
Roger Sherman

NEW YORK
Alexander Hamilton

NEW JERSEY
Wil. Livingston
David Brearley
Wm. Paterson
Jona. Dayton

PENNSYLVANIA
B. Franklin
Robt. Morris
Thos. FitzSimons
James Wilson
Thomas Mifflin
Geo. Clymer
Jared Ingersoll
Gouv. Morris

DELAWARE
Geo. Read
John Dickinson
Jaco. Broom
Gunning Bedford Jun.
Richard Bassett

MARYLAND
James McHenry
Danl. Carroll
Dan. of St. Thos. Jenifer

VIRGINIA
John Blair
James Madison, Jr.

NORTH CAROLINA
Wm. Blount
Hu. Williamson
Richd Dobbs Spaight

SOUTH CAROLINA
J. Rutledge
Charles Pinckney
Charles Cotesworth Pinckney
Pierce Butler

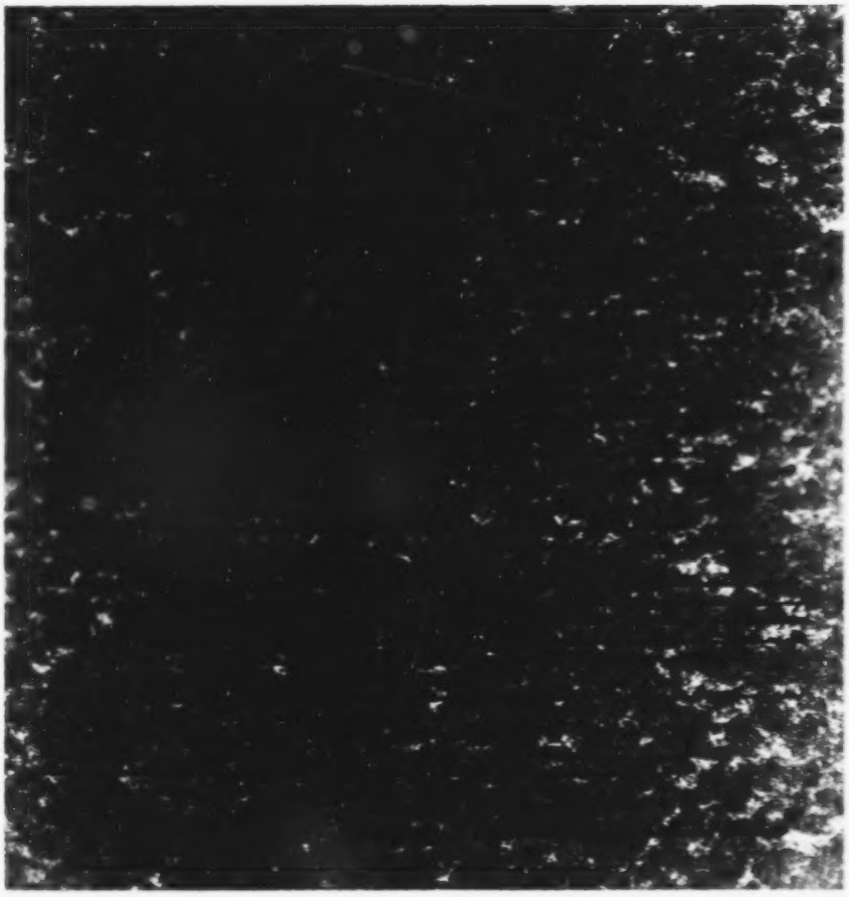
GEORGIA
William Few
Abr. Baldwin

Attest: William Jackson, Secretary

1. The clause included in parentheses is amended by the 14th Amendment, Section 2.
2. The first paragraph of this section and the part of the second paragraph included in parentheses are amended by the 17th Amendment.
3. Amended by the 20th Amendment, Section 2.
4. By the 16th Amendment, Congress is given the power to lay and collect taxes on income.
5. See the 16th Amendment.
6. This clause has been superseded by the 12th Amendment.
7. For qualifications of the Vice President, see 12th Amendment.
8. Amended by the 20th Amendment, Sections 3 and 4.
9. This section is abridged by the 11th Amendment.
10. See the 13th Amendment.

Amendments to the Constitution of the United States

(Amendments I to X inclusive, popularly known as the Bill of Rights, were proposed and sent to the states by the first session of the First Congress. They were ratified Dec. 15, 1791.)



Article I

[Freedom of religion, speech, of the press, and right of petition.] Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Article II

[Right of people to bear arms not to be infringed.] A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Article III

[Quartering of troops.] No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Article IV

[Persons and houses to be secure from unreasonable searches and seizures.] The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article V

[Trials for crimes; just compensation for private property taken for public use.] No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness, against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Article VI

[Civil rights in trials for crimes enumerated.] In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Article VII

[Civil rights in civil suits.] In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Article VIII

[Excessive bail, fines, and punishments prohibited.] Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article IX

[Reserved rights of people.] The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Article X

[Powers not delegated, reserved to states and people respectively.] The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

Article XI

(The proposed amendment was sent to the states Mar. 5, 1794, by the Third Congress. It was ratified Feb. 7, 1795.)

(Judicial power of United States not to extend to suits against a State.] The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

Article XII

(The proposed amendment was sent to the states Dec. 12, 1803, by the Eighth Congress. It was ratified July 27, 1804.)

[Present mode of electing President and Vice President by electors.[1]]. The electors shall meet in their respective states, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

Article XIII

(The proposed amendment was sent to the states Feb. 1, 1865, by the Thirty-eighth Congress. It was ratified Dec. 6, 1865.)

Section 1

[Slavery prohibited.] Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2

[Congress given power to enforce this article.] Congress shall have power to enforce this article by appropriate legislation.

Article XIV

(The proposed amendment was sent to the states June 16, 1866, by the Thirty-ninth Congress. It was ratified July 9, 1868.)

Section 1

[Citizenship defined; privileges of citizens.] All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2

[Apportionment of Representatives.] Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3

[Disqualification for office; removal of disability.] No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may be a vote of two thirds of each House, remove such disability.

Section 4

[Public debt not to be questioned; payment of debts and claims incurred in aid of rebellion forbidden.] The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Section 5

[Congress given power to enforce this article.] The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Article XV

(The proposed amendment was sent to the states Feb. 27, 1869, by the Fortieth Congress. It was ratified Feb. 3, 1870.)

Section 1

[Right of certain citizens to vote established.] The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2

[Congress given power to enforce this article.] The Congress shall have power to enforce this article by appropriate legislation.

Article XVI

(The proposed amendment was sent to the states, July 12, 1909, by the Sixty-first Congress. It was ratified Feb. 3, 1913.)

[Taxes on income; Congress given power to lay and collect.] The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Article XVII

(The proposed amendment was sent to the states May 16, 1912, by the Sixty-second Congress. It was ratified April 8, 1913.)

[Election of United States Senators; filling of vacancies; qualifications of electors.]

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, that the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Article XVIII[2]

(The proposed amendment was sent to the states Dec. 18, 1917, by the Sixty-fifth Congress. It was ratified by three quarters of the states by Jan. 16, 1919 and became effective Jan. 16, 1920.)

Section 1

[Manufacture, sale, or transportation of intoxicating liquors, for beverage purposes, prohibited.] After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2

[Congress and the several States given concurrent power to pass appropriate legislation to enforce this article.] The Congress and the Several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3

[Provisions of article to become operative, when adopted by three fourths of the States.] This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by Congress.

Article XIX

(The proposed amendment was sent to the states, June 4, 1919, by the Sixty-sixth Congress. It was ratified Aug. 18, 1920.)

[The right of citizens to vote shall not be denied because of sex.] The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

[Congress given power to enforce this article.] Congress shall have power to enforce this article by appropriate legislation.

Article XX

(The proposed amendment, sometimes called the "Lame Duck Amendment," was sent to the states Mar. 3, 1932, by the Seventy-second Congress. It was ratified Jan. 23, 1933; but, in accordance with Section 5, Sections 1 and 2 did not go into effect until Oct. 15, 1933.

Section 1

[Terms of President, Vice President, Senators, and Representatives.] The terms of the President and Vice President shall end at noon on the twentieth day of January, and the terms of Senators and Representatives at noon on the third day of January, Of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2

[Time of assembling Congress.] The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the third day of January, unless they shall by law appoint a different day.

Section 3

[Filling vacancy in office of President.] If, at the time fixed for the beginning of the term of the President, the President-elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President-elect shall have failed to qualify, then the Vice President shall have qualified; and the Congress may by law provide for the case wherein neither a President-elect nor a Vice President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4

[Power of Congress in Presidential succession.] The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right choice shall have devolved upon them.

Section 5

[Time of taking effect.] Sections 1 and 2 shall take effect of the 15th day of October following the ratification of this article.

Section 6

[Ratification.] This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three fourths of the several States within seven years from the date of its submission.

Article XXI

(The proposed amendment was sent to the states Feb. 20, 1933, by the Seventy-second Congress. It was ratified Dec. 5, 1933.)

Section 1

[Repeal of Prohibition Amendment.] The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2

[Transportation of intoxicating liquors.] The transportation or importation into any State, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3

[Ratification.] This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by convention in the several States, as provided in the Constitution, within seven years from the date of the submission thereof to the States by the Congress.

Article XXII

(The proposed amendment was sent to the states Mar. 21, 1947, by the Eightieth Congress. It was ratified Feb. 27, 1951.)

Section 1

[Limit to number of terms a President may serve.] No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2

[Ratification.] This article shall be inoperative unless it shall have been ratified as an amendment to the constitution by the legislatures of three fourths of the several States within seven years from the date of its submission to the States by the Congress.

Article XXIII

(The proposed amendment was sent to the states June 16, 1960, by the Eighty-sixth Congress. It was ratified March 29, 1961.)

Section 1

[Electors for the District of Columbia.] The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State, they shall be in addition to those appointed by the States, but they shall not be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2

[Congress given power to enforce this article.] The Congress shall have the power to enforce this article by appropriate legislation.

Article XXIV

(The proposed amendment was sent to the states Aug. 27, 1962, by the Eighty-seventh Congress. It was ratified Jan. 23, 1964.)

Section 1

[Payment of poll tax or other taxes not to be prerequisite for voting in federal elections.] The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reasons of failure to pay any poll tax or other tax.

Section 2

[Congress given power to enforce this article.] The Congress shall have to power to enforce this article by appropriate legislation.

Article XXV

(The proposed amendment was sent to the states July 6, 1965, by the Eighty-ninth Congress. It was ratified Feb. 10, 1967.)

Section 1

[Succession of Vice President to Presidency.] In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2

[Vacancy in office of Vice President.] Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3

[Vice President as Acting President.] Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4

[Vice President as Acting President.] Whenever the Vice President and a majority of either the pricipal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exist, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Article XXVI

(The proposed amendment was sent to the states Mar. 23, 1971, by the Ninety-second Congress. It was ratified July 1, 1971.)

Section 1

[Voting for 18-year-olds.] The right of citizens of the United States, who are 18 years of age or older, to vote shall not be denied or abridged by the United States or by an state on account of age.

Section 2

[Congress given power to enforce this article.] The Congress shall have power to enforce this article by appropriate legislation.

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1. Amended by the 20th Amendment, Sections 3 and 4.
2. Repealed by the 21st Amendment.

Project '87

Project '87 is a joint undertaking of the American Historical Association and the American Political Science Association. It is dedicated to commemorating the Bicentennial of the United States Constitution by promoting public understanding and appraisal of this unique document. The Project is directed by a committee of historians and political scientists that is chaired by two scholars of international reputation—Professor Richard B. Morris of Columbia University and Professor James MacGregor Burns of Williams College. The Chief Justice of the United States, Warren E. Burger, serves as Honorary Chairman of Project '87's Advisory Board.

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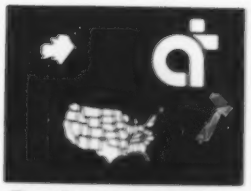

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